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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1842nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 11 July 2000, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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GE.00-43173 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Kyrgyzstan (continued) (CCPR/C/113/Add.1; CCPR/C/69/L/KGZ)

1. At the invitation of the Chairperson, the members of the delegation of Kyrgyzstan resumed their places at the Committee table.

2. Mr. BAKIR UULU (Kyrgyzstan), clarifying one of his earlier replies to the Committee's questions, said that no state of emergency had been declared during the recent border conflicts in the south of the republic. The foreign elements which had infiltrated the country had departed after four months. A number of laws had been adopted, including a new law on states of emergency in 1999, which ensured adequate protection for the human rights and freedoms of citizens during emergency situations.

3. Ms. BAEKOVA (Kyrgyzstan), replying to members' questions about gender equality, said that her country had not made full use of the potential of its women citizens in the past, but was now trying to redress the situation. Her delegation shared the concerns expressed by the Committee and would convey its comments to the Government. She was particularly interested in members' comments about quota systems in the Scandinavian countries and in France.

4. Poverty and unemployment had contributed to the problems women faced in her country. The Government had introduced measures to train women in business and political affairs, drawing on the successful experiences of other countries. Debates in Parliament, conferences and seminars had been held to discuss ways of encouraging women to participate in civil society, but overcoming the existing imbalances was a slow process.

5. Members had asked for more detailed statistics in Kyrgyzstan's next report. Her country was willing to provide better statistics, but she asked for guidance about exactly what the Committee wanted. At present, for instance, no separate statistics were prepared relating to the sentencing of women to the death penalty.

6. Members had also asked about the status of the Covenant in national legislation. Her country had ratified the Covenant and it could be directly applied by the courts. However, judges required training if they were to apply its provisions correctly.

7. It had been alleged that judges had paid up to US$ 25,000 in order to retain their posts. In fact, the new accreditation procedure had been introduced primarily to ensure that judges appointed under the Soviet regime were competent to apply the new legislation of Kyrgyzstan. The first round of reaccredidation of judges had taken place in 1997: approximately half the country's judges had been dismissed, and the rest had been accredited for a period of three years. In the second round, at the end of 1999, approximately 10 per cent of judges had failed to qualify, and the rest had been accredited for seven years, in accordance with the new Constitution. There had been no question of judges paying bribes to retain their posts.

8. The appointment of judges for life was an important guarantee of the independence of the judiciary. However, in view of Kyrgyzstan's Soviet heritage, the Government considered it too early to introduce such a guarantee. Judges were currently appointed for three years initially, and then for seven years; Constitutional Court judges were appointed for a term of 15 years, and judges of the Supreme Court and the Supreme Arbitration Court for 10 years.

9. Members had asked why the opposition leader Feliks Kulov had been tried in a military court. The reason was that Mr. Kulov was accused of crimes committed during his time as Minister of National Security, when he had held the rank of general, and all the persons involved in the case were military personnel. If he was convicted, he would have the right of appeal to the Supreme Court.

10. Members had asked about the risk of corruption of judges in view of their very low salaries. It was true that such a risk existed: for example, four judges had been prosecuted for corruption in 1996, although they had all been acquitted. The Government was currently investigating the possibility of increasing judges' salaries.

11. Turning to members' questions about forced marriages, polygamy and violence against women, she said that all three practices were criminal offences in Kyrgyzstan. There had been no cases of forced marriage or polygamy for a long time, but they were still covered by the new Code of Criminal Procedure, just to ensure that there could be no return to the practices of the past. The issue of polygamy had been raised a number of times in Parliament by women deputies. A number of women's refuges had been opened to help victims of domestic violence.

12. Traditional courts were not part of the legal system, but were established by local self-governing authorities to deal with cases such as disputes between neighbours or spouses, debts and property disputes between members of a family. They were not authorized to impose criminal penalties. If one of the parties was dissatisfied with a decision of the traditional court, he could bring the case before an ordinary court.

13. Mr. BAKIR UULU (Kyrgyzstan) referred to a question about a university professor who had been dismissed for publishing a controversial report. He was not familiar with the case but would investigate it on his return and inform the Committee.

14. Members had asked about the application of the Covenant in the courts of Kyrgyzstan. International treaties such as the Covenant were now directly applicable. All draft legislation now included the statement that, if the provisions of the legislation were inconsistent with international instruments to which Kyrgyzstan was a party, the international instrument should take precedence.

15. Turning to the issue of refugees, he said that Kyrgyzstan was the only country in central Asia which had acceded to the Convention relating to the Status of Refugees, and had taken in thousands of refugees from Tajikistan. Now that the situation in that country had improved, the refugees were returning home.

16. Trafficking in women did take place in his country, mainly as a consequence of unemployment and poverty. Traffickers deceived women by promising them jobs abroad, then forced them to work in the sex trade. Such practices were prohibited by law, and in one case in 1999 a woman had been convicted of procuring other women to work as prostitutes in the United Arab Emirates.

17. There had been no convictions for polygamy in recent years because there had been no proven cases of the practice. There had been a proposal to remove the article prohibiting polygamy in the new Code of Criminal Procedure but, after a heated debate among deputies, the article had been retained, although it had never been invoked.

18. The Kyrgyzstan National Committee for Human Rights, established in 1997, had 15 members, including representatives of political organizations, grass-roots social organizations, national minorities and NGOs, as well as academics, independent journalists and members of political opposition groups. It was authorized to consider complaints from individuals, but its decisions had the force of recommendations only. Its reports were freely available: for instance, the 1997 report had been submitted to the Organization for Security and Cooperation in Europe (OSCE), and to NGOs and the national media in Kyrgyzstan, although it had not been widely publicized.

19. Ms. BAEKOVA (Kyrgyzstan), clarifying the information about the age-limits for the post of President of Kyrgyzstan given in paragraph 35 of the initial report (CCPR/C/113/Add.1), said that the limit of 65 applied to candidates in the presidential elections. A President already in office could remain in his post beyond the age of 65. She agreed that the age-limit might be seen as discriminatory, but that was how the legislation stood at present.

20. Members had asked who carried out the accreditation of judges to which she had referred earlier. Judges in the higher courts were appointed by a 12-member licensing committee, including representatives of the President, the Government and academia. The remaining members were judges from the Supreme Court, the Supreme Arbitration Court and the Constitutional Court. Judges were examined on their practical knowledge of the law and the Constitution. A judge would be allocated to a particular court by decision of the President, on the recommendation of the licensing committee.

21. She agreed with members that not enough had been done to ensure the independence of lawyers. A law on the legal professions was in preparation, and would include provisions on qualifying examinations and licences to practise, which would be issued by the Ministry of Justice. As to their salaries, lawyers were entirely independent, except in the case of defendants who could not afford to pay their legal expenses, when the lawyer was paid by the State.

22. Mr. BAKIR UULU (Kyrgyzstan) noted that the Committee had asked for the text of the draft law on the Ombudsman's Office. There were three alternative drafts of the law, and he would send them to the Committee on his return to Kyrgyzstan. The proposed Ombudsman's Office would be completely independent, with its own budget, and the Ombudsman would be appointed by Parliament. The draft law had been prepared with technical assistance from the United Nations Development Programme and OSCE.

23. Members had asked about the rights of homosexuals. Kyrgyzstan was the first country in central Asia to give homosexuals and lesbians complete freedom to exercise their sexual preferences. Homosexual practices were not punishable by law.

24. A referendum on the abolition of the death penalty had been proposed, but no decision had yet been taken. The result of any such referendum would be binding. The Criminal Code would soon be amended to include a definition of the crime of torture, which would make it much easier to prosecute such offences and comply with the provisions of the Covenant.

25. Turning to the subject of conscientious objection to military service, he said that an individual could only claim conscientious objection on the grounds of religious belief. However, people could be exempted from military service for other reasons, such as ill-health or the desire to pursue university studies.

26. The National Committee for Human Rights had attempted to establish a programme of supervision of prison conditions, but no funding had been available. It had recommended improvements in prison conditions, based on the experiences of other countries. The prison system was now administered by the Ministry of Justice rather than the Ministry of Internal Affairs, which, it was hoped, would make supervision easier.

27. Members had asked whether defamation of the President was a criminal offence. In fact, the law on defamation protected all Kyrgyz citizens and no special provisions applied in the case of the President.

28. There had, unfortunately, been serious irregularities in the parliamentary elections in February and March 2000, which had been reported both by national opposition parties and by the international media. A round-table meeting between the Government, opposition parties and NGOs had discussed ways of ensuring the fairness of the forthcoming presidential elections. A commission had been set up to prepare a law on elections by the autumn of 2000.

29. Members had made a number of useful suggestions about possible amendments to the laws governing the citizenship of children. In fact, proposed changes to the law were already before Parliament; the citizenship of the mother, as well as the father, would be taken into account in determining a child's citizenship.

30. Mr. ABYSHKAEV (Kyrgyzstan), replying to the question on protection of suspects held in pre-trial detention, said that under current legal provisions officials who committed torture in such a situation were not criminally liable. However, the Criminal Code was being amended so that representatives of the authorities who used torture, violence or force against citizens during interrogation or detention would face criminal prosecution. In 1999, 76 officials had been brought to trial for such offences, and there had been 21 related cases in the current year.

31. Several articles in the Criminal Code dealt with corruption and related offences committed by officials in places of detention. No one had yet been successfully prosecuted under the new article 33 which had been included in the Criminal Code in 1999 to deal with such

offences. However, members of the procurator's office, the militia and other bodies and departments had been brought to trial for abuse of their official position under articles of the Criminal Code relating to offences such as acceptance of bribes.

32. Concerning penalties for the abuse of minors, the Criminal Code contained separate provisions dealing with the involvement of minors in crime or antisocial behaviour, trafficking in minors, physical abuse of minors, and abuses of authority committed by those responsible for their supervision. In a recent case in the Pervomaysk district of Bishkek, several members of the Internal Affairs Ministry had been tried and convicted for abuse of a minor and trafficking in children.

33. With regard to the status of the moratorium on the death penalty, he said that Bishkek Central Prison currently held seven persons who had either appealed against sentence or applied for a presidential pardon. Decisions on all those cases were expected by the end of 2000.

34. Recalling his colleagues' answers to the Committee's questions on medical provision for suspects being held in custody, he said that the situation would improve considerably once defence lawyers' powers were made equal to those of prosecuting lawyers under the ongoing legal reforms. In future, all detainees would enjoy immediate access to legal representation and medical care; the latter would be available at any time during the detention period. Extensive medical facilities were available at Bishkek Central Prison and in corrective labour institutions across the country, and detainees in police stations were granted medical attention on request.

35. Complaints of ill-treatment or abuse made by prisoners were directed to the security service of the Internal Affairs Ministry. The majority of cases were referred to the Public Prosecutor's Office, which was obliged to initiate an immediate investigation followed by proceedings as necessary.

36. Mr. BAKIR UULU (Kyrgyzstan), replying to Mr. Amor's point that the age restriction on candidates for the presidency seemed discriminatory, said that the relevant provision had been adopted only after the fall of the Soviet Union. The legislators had intended to prevent situations in which an ageing President held on to power for long periods, as had been the case in the Soviet Union. The current generation of political leaders in Kyrgyzstan was comparatively young, and it was likely that the provision in question would be abolished before they approached the age of retirement.

37. Mr. ABYSHKAEV (Kyrgyzstan) agreed with Committee members that prosecution officials in Kyrgyzstan had often seemed to defer cases ad infinitum on the ground that additional investigations were required. That practice, which was still permitted under the 1961 legislation on criminal procedures, was now far less frequent. Cases were normally deferred only for the purpose of obtaining information, while on the rare occasions that further investigations were requested, the case continued in parallel. The lengthiness of criminal proceedings was a much discussed topic. At a recent meeting of NGOs held in Bishkek, many representatives had denounced the current situation as improper, and had called for amendments to the Code of Criminal Procedure.

38. Ms. BAEKOVA (Kyrgyzstan), replying to Ms. Chanet's question on the conditions under which detainees could be subjected to forced labour, said that since the drafting of her delegation's report a new Criminal Correction Code had been introduced in January 1999 proscribing the practice of forced labour in prisons. Its purpose was to bring Kyrgyzstan's prisons, which had formerly been corrective labour camps under the Soviet system into line with the Covenant and the other international human rights instruments adopted by Kyrgyzstan. In any case, it was virtually impossible to find any kind of work for prisoners against the background of high national unemployment.

39. She thanked the Committee for the very useful, and diplomatically presented, proposals it had made. Her delegation hoped to incorporate all of them, together with other points raised by the Committee, into the report it would submit to Kyrgyzstan's national legislature. She trusted that members of the legislature would in turn appreciate the full value of the dialogue which had taken place and the importance of achieving conformity with the Covenant.

40. Mr. ABYSHKAEV (Kyrgyzstan), on the Committee's questions relating to length of pre-trial detention and the procedure for its initiation, said that, under the Code of Criminal Procedure, the investigating judge could only order detention once a criminal case was under way. It was true that individual prosecution officials had occasionally violated the rules, but normally every effort was made to ensure that imprisonment did not occur prior to the start of proceedings. Under the Code of Criminal Procedure the accused could be held in detention for three days, whereupon he must be served with an indictment. He could be held either in custody or on remand according to the decision of the prosecuting or investigating official. The Code of Criminal Procedure also made provision for bail.

41. The Code contained separate provisions on custody. Under the old legislation, prisoners could be held in custody for up to two months. The new laws entitled the supervising prosecutor to impose an initial period of 20 days, which could be extended to up to two months. Further extensions were possible: up to nine months on the authority of the prosecutor of Bishkek oblast; up to nine months on the authority of the Deputy Prosecutor General; and up to one year on the authority of the Prosecutor General. If the investigating agencies failed to take any action by the time one year of custody had elapsed, the prisoner was released immediately.

42. Turning to the question whether members of the National Committee for Human Rights had been threatened or harassed, he said that no complaints had been received to date. The Committee would be informed immediately if that occurred. The authorities in his country treated such matters with the utmost seriousness, and had already taken measures to safeguard trial witnesses who had been threatened.

43. Mr. KRETZMER thanked the delegation for its answers to his question on pre-trial detention, but said that the matter was still far from clear to him. If it was true that a person could only be held for three days pending indictment, and that he must be released if indictment was not served, what were the grounds for holding him in custody for up to a year? He would still like to know how long a person could be held for investigation, and who took the decisions. The matter was an extremely important one relating directly to compliance with article 9, paragraph 3, of the Covenant.

44. Furthermore, the delegation had not replied to his questions about compensation for documented cases of unlawful arrest, and the measures the State party had taken in compliance with article 10 of the Covenant relating to the separation of adult and juvenile prisoners.

45. Ms. CHANET said she was gratified to learn that forced labour no longer existed in Kyrgyzstan's prisons. While she appreciated that the new Criminal Correction Code had been introduced after the drafting of the delegation's report, she considered that the matter might have been raised in the delegation's introduction, since the new legislation was not available to the Committee. Having listened to the delegation's replies, she agreed with Mr. Kretzmer that confusion still existed regarding the differences between custody and pre-trial detention, and the provision of medical treatment during custody. The questions of the timing of medical and legal intervention during custody were crucial ones on which she would like to hear more.

46. Mr. HENKIN, responding to a request to resubmit his questions, said he had wanted to know if, as in certain other countries, separate penalties outside the general provisions on slander applied to persons who insulted the President. He would also like to know about the restrictions on religious belief and practice. In particular, what laws and punishments applied to Islam and to so-called Muslim "fundamentalism"?

47. Mr. SCHEININ said it was understandable that the delegation's answers relating to the death penalty had been partly speculative, considering that a moratorium was in force until the end of the current year. However, he had not received a reply to his question whether practising lawyers and representatives of NGOs concerned with human rights were granted access to prisoners on death row, particularly for the purpose of bringing cases to the Committee's attention under the Optional Protocol.

48. Mr. SOLARI YRIGOYEN asked what procedures applied to persons who claimed to be conscientious objectors on grounds other than membership of a religious organization, and why civilian service was so much longer than military service.

49. Mr. LALLAH thanked the delegation for its replies and said he regretted that neither the report nor the delegation had thrown sufficient light on the legal provisions relating to article 4 of the Covenant. He would particularly like to know about the restrictions applicable in times of public emergency, and whether they allowed for derogation from fundamental human rights relating to other parts of the Covenant. He trusted that the Committee would be provided with that important information in the next report, if not before.

50. Mr. BHAGWATI said he still had three questions. Firstly, what legal recourse was open to someone who alleged that his human rights had been violated by legislation or by executive action? Secondly, the report stated that there were two grounds on which a judge could be removed from active service: retirement and commission of an offence. However, he would like more information regarding the report's reference to other legal grounds for such dismissals. Thirdly, he would like to know whether judges were provided with special training enabling them to incorporate the provisions of the international human rights instruments signed by Kyrgyzstan into civil judgements.

51. Mr. AMOR asked for clarification on three matters. Firstly, what was the current status of the new law on citizenship, referred to in paragraph 149 of the report, intended to ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women and other international instruments ratified by the Kyrgyz Republic? Secondly, regarding the reference to murder motivated by "hooliganism" in paragraph 182 of the report, he asked whether the delegation could provide a legal definition of that term. Thirdly, in connection with the grounds for conscientious objection to military service, he would like to know what criteria applied to the registration of religious organizations. Also, he too wondered why the period of civilian service was so much longer than military service.

52. Ms. BAEKOVA (Kyrgyzstan), in response to points raised by Mr. Bhagwati, said a citizen who considered that his constitutional rights had been infringed was entitled to bring a complaint before any court, including the Constitutional Court. In that respect the situation in Kyrgyzstan was different from that prevailing in other former Soviet republics, which did not provide for such a procedure. Concerning grounds for the removal of judges, a judge who had been found guilty of a crime would be expected to resign, and in any event would be unable to obtain the necessary licence to continue exercising his profession.

53. Human rights training for judges was of crucial importance since knowledge of human rights issues had been conspicuously lacking among judges in the former Soviet republics. Her country was aware of the problem, and had therefore opened a training centre for judges, prosecutors and other members of the judiciary where international experts provided instruction in human rights concepts. Seminars were held on a regular basis, with the assistance of UNDP. The training centre had been set up only two years earlier, and the system had thus not been in operation for long. Following her delegation's dialogue with the Committee, she suggested that it would be useful if some of its members, and members of other United Nations human rights bodies, could participate in the training programme. Their assistance would be invaluable in enabling judges to gain a better understanding of the international human rights culture.

54. In reply to Mr. Amor, she said that the new law on citizenship was still at the drafting stage. Kyrgyzstan's laws on the matter were still those which had been in force when it had been part of the Soviet Union, and it had only recently begun the task of amending its legislation to bring it into line with international instruments, notably the Convention on the Elimination of All Forms of Discrimination against Women.

55. No state of emergency had been declared in the Republic since 1992, as there had been no particular reason to do so. The matter was regulated by article 10 of the Constitution, which stipulated that a state of emergency could be declared only in the case of natural disaster, direct threats to law and order, or mass disorder involving the use of violence which endangered the life of individuals. A state of emergency throughout the territory could only be declared by Parliament, and while states of emergency in specific localities could be ordered by the President, they were subject to confirmation by Parliament. Since the Covenant was now an integral part of her country's legislation, the procedure whereby relevant United Nations bodies and the United Nations Secretary-General must be informed of the declaration of a state of emergency would henceforward be strictly complied with. Specific provision was made in the

Constitution for circumstances in which states of emergency prevented the holding of elections or referendums. An Act had been passed on 24 October 1998 regulating the conditions under which a state of emergency could be introduced and its duration.

56. Kyrgyzstan would be reviewing its legislation to ensure that it was consistent with the provisions of the Covenant, and in that respect her delegation's dialogue with the Committee had been extremely useful. She was grateful to members for their helpful and positive comments.

57. Mr. ABYSHKAEV (Kyrgyzstan), in reply to further questions, said that the maximum period for which a person could be held in detention was three days. Within that period the investigator was required not only to interrogate the suspect and inform him of the charges against him, but also to summon witnesses. The person detained was granted access to a lawyer as soon as the interrogation process began; access to medical care was also provided if he requested it.

58. Minors sentenced to a period in custody were sent to special corrective institutions, and during the pre-trial period were kept apart from adult suspects. In reply to the question on compensation, he said that the new Code of Criminal Procedure stipulated that, if it was proved that a citizen had been imprisoned unjustifiably, had suffered ill-treatment or mental anguish, or had been subjected to medical treatment under duress, he had the right to compensation. Compensation would be awarded within a period of three years from the time when the damage had been suffered, and the person concerned was required to apply for such compensation within three months. If he was unable to meet that deadline, he could apply to the courts for satisfaction. Access to prisoners under death sentence was permitted: for instance, journalists had recently been granted access to a number of such prisoners, and had held interviews with them which had subsequently been broadcast on television.

59. In reply to Mr. Amor, he said that hooliganism was defined under the Criminal Code as acts committed intentionally to undermine the social order or generally accepted norms of behaviour. Such acts would include insulting disabled or elderly persons, deliberate damage to property, the use, or threatened use, of firearms, and resistance to persons in authority or law enforcement officers. The penalty for murder motivated by hooliganism, in other words murder without any particular reason, was deprivation of liberty or, in certain circumstances, death.

60. Mr. BAKIR UULU (Kyrgyzstan), in response to a question from Mr. Lallah, said it was true that a restriction on the holding of assemblies or gatherings during a state of emergency was tantamount to a restriction on the exercise of certain human rights.

61. In reply to Mr. Amor, he said that the law on alternative service was now being reviewed. Alternative service would in future be authorized not only on religious grounds, but also on grounds of health, family situation or pursuit of a course of study. On the subject of a referendum on repeal of the death penalty, he said that the list of offences subject to that penalty had been reviewed, and had been reduced from 17 to 6. Because the issue was of such importance, it was likely that it would be the subject of a referendum.

62. There was no definition of religious extremism in the Criminal Code. However, in the neighbouring State of Uzbekistan, persons could be prosecuted for their religious beliefs, and

unfortunately some law enforcement officials in the border areas had initiated such prosecutions. Although the Head of State had condemned such actions on the grounds that the Constitution guaranteed religious freedom for all, it had not been possible fully to control the situation at the local level. Efforts were currently being made to halt the practice.

63. Mr. KLEIN asked whether, under the procedure whereby individual complaints could be brought before the Constitutional Court, rights guaranteed under the Covenant could be invoked as well as rights guaranteed under the Constitution.

64. Ms. BAEKOVA (Kyrgyzstan) said that whereas in theory citizens had the right to bring complaints to the Constitutional Court, in practice that right had not yet been invoked. She hoped that the campaigns to raise public awareness of human rights, and in particular the training in human rights now being provided for judges, would lead to a change in the situation.

65. The CHAIRPERSON invited the delegation to reply to questions 16 to 18 of the list of issues.

66. Mr. ABYSHKAEV (Kyrgyzstan), in reply to question 16, said that in a recent case the editor, deputy editor and journalists of the newspaper Res Publica had been accused of libel. Criminal proceedings had been initiated on 17 February 1997 and the preliminary investigation had established that the persons concerned had contravened the law relating to "the mass media" by publishing libellous and false information. They had been sentenced to one year and six months' loss of liberty and fined. However, the Supreme Court had subsequently suspended the sentences originally imposed. In a more recent case, a journalist had been sentenced to two years' imprisonment for publishing an article alleging that a judge had taken improper payments. The case had now gone to appeal. In a further case, the editor of a television programme had been taken to court for reporting that a candidate for deputy to the Peoples' Assembly had in the course of his pre-electoral campaign attempted to stir up discord between ethnic communities. That case too was still before the courts. However, he wished to emphasize that although in the past five years the Ministry of Justice had registered some 43 media organs, including newspapers and television and radio stations, not one had been closed down.

67. Some NGOs had alleged that the Government, representatives of the President or law enforcement agencies had been harassing some media organs (including the Bishkek Evening News) and had been attempting to bring about their closure. In the Government's opinion, no such interference had occurred. The tax legislation of Kyrgyzstan, which provided for annual inspections, had been applied properly. The Bishkek Evening News had been closed down after such an inspection had revealed tax arrears and other violations of tax laws. The editor of the newspaper had been temporarily suspended, criminal proceedings had been instituted and the newspaper had gone to the Arbitration Court. Various payments had had to be made, but that had had nothing to do with political pressure. The chief editor and the deputy chief editor had resigned and had then accused each other of irregularities. The cases had been dropped and the newspaper had resumed publication.

68. During the period under review, some 10 activists from the National Committee for Human Rights had been detained. In Bishkek legal action had been taken against participants in

demonstrations which had violated the Administrative Code. They had subsequently been released. Two members of the National Committee had been charged with libel and criminal proceedings had been initiated against them.

69. Moving on to question 17, he said that under article 16 of the Constitution everyone had the right of peaceful assembly and to hold meetings and demonstrations, provided that no one carried weapons. The Criminal Code regulated the punishment of persons who tried to prevent picketing or the holding of meetings, demonstrations or parades. Thus the State guaranteed the right of every citizen to participate in such activities and the exercise of those political freedoms was further ensured by making public places available for the holding of meetings. Ten days' prior notification of gatherings was required in writing. The local authorities considered the application and the organizers must be informed whether or not they could proceed with the event at least five days in advance. The authorities were entitled to propose a different time and venue, and an appeal could be entered against that decision. Neither public authorities nor individual citizens were entitled to prevent lawful meetings or demonstrations, but the State authorities could prohibit gatherings if their purpose was anti-constitutional, if they threatened public order or the safety, life and health of citizens, or if they were unauthorized. Organizers who violated the rules were liable under Kyrgyz law.

70. Quoting article 22 of the Covenant, he cited an example where the Bishkek municipal authorities, acting in accordance with that article, had had to remove pickets standing in front of the entrance to the former Agricultural Industry Building. They had been making it difficult for staff to enter their place of work, blocking fire exits and hindering traffic, thereby violating the rights and legitimate interests of the city's inhabitants in breach of the Law on Urban Development. Furthermore, the tents they had erected infringed sanitation regulations. After repeated warnings, the mayor of Bishkek had issued a decree prescribing a special place for picketing. The pickets had been moved, but there had been no violation of the right of peaceful assembly.

71. Ms. BAEKOVA (Kyrgyzstan), replying to question 18, explained that the establishment and activities of NGOs were governed by provisions of the Constitution, the Civil Code, the Law on Non-Commercial Organizations, and international instruments and treaties that had been ratified by her country. NGOs became legal entities once they had been registered in accordance with the Law on the State Registration of Legal Entities. The legal regime covering the registration of human rights organizations was supervised by the Ministry of Justice. NGOs were registered at their location under article 7 of that Law, which stipulated the documentation required for the process. Registration must be completed no later than 10 days after submission of the application. That period could be extended if the documentation was not in order. The application could be rejected only if the documentation did not comply with Kyrgyz law. The registration authority was required to issue the rejection in writing and to state the reasons therefor within 10 days of the deposit of the application. Provided that the statutory documentation had been submitted in due form, the registration authority would issue a certificate. The country had no legislation on the cancellation of the registration of NGOs. Any disputes relating to the refusal to register a body, deviations from normal procedure or disputes between the founders of legal entities and State authorities would be referred to the courts.

72. Mr. ABYSHKAEV (Kyrgyzstan), responding to question 19, said that no criminal charges had been brought against any opposition candidates. The position regarding the leader of the People's Party had already been dealt with in detail. It had been the fault of the two opposition parties that they had not been registered for participation in the 2000 electoral campaign. The Democratic Movement of Kyrgyzstan had not been registered because its registration documents had been forged. The members of the Political Council of the Movement had not been informed about the holding of the party convention and procedural rules had therefore been infringed. Consequently, registration had been refused.

73. The point to remember about the People's Party was that the law stipulated that a party must register at least one year before an electoral campaign commenced. When the Electoral Code had been adopted, the President had suggested that that period be reduced to six months, but the leader of the People's Party had insisted that the one-year deadline be retained. His party had then failed to meet the deadline and had therefore not been registered.

74. Ms. BAEKOVA (Kyrgyzstan) said, in reply to question 20, that Kyrgyz legislation provided for many measures to prevent cruelty to children, violence against them, abuse or neglect. Several chapters of the Criminal Code concerned crimes against the family or minors, trafficking in children and failure to discharge parental responsibilities. The Code stipulated that persons who involved children in criminal acts, the use of drugs without a doctor's authorization, prostitution, begging, sexual offences or pornography were liable to punishment under articles 156 and 157. Parents or guardians who did not fulfil their responsibilities or who abused their rights were liable to administrative penalties. If the health or safety of a child was directly threatened, the State authorities could remove the child from the care of his parents or guardians forthwith and place him in State care. Citizens could report suspected cases of cruelty and minors could complain directly or through their representative. The body responsible for monitoring compliance with the law in that respect was the Prosecutor's Office, which could apply to the courts if it considered it advisable to deprive parents of their rights in order to protect the rights of minors at risk.

75. Referring to question 21, she explained that the Labour Code guaranteed every child the right to protection against being forced to perform work which might endanger his health, impede his education or undermine his physical, mental or social development. There were regulations stipulating the minimum age of employment and legislation governing working hours, conditions and pay. In principle, children under 16 could not be hired for work, although children over 14 could be employed on light work if their parents gave their written consent and if such work did not interfere with their education, health or development. The employment of minors in heavy or dangerous work was prohibited. They could not work overtime, at night or on holidays. Young people aged 14 to 16 were not permitted to work for more than 24 hours per week and 16- to 18-year-olds were authorized to work a maximum of 36 hours per week. The Prosecutor's Office was responsible for supervising the observance of labour laws relating to minors. If necessary, it took measures to halt infringements. The Bishkek municipal authorities had set up a special system to control child labour in markets.

76. Turning to question 22, she explained that under article 15 of the Constitution, everyone was equal before the law. Discrimination on the grounds of race, colour or religious belief would entail criminal liability under Kyrgyz law. Article 134 of the Criminal Code laid down

penalties for discrimination or abuse of authority. Similarly, any discrimination in relation to recruitment or promotion would be punished inasmuch as it was prohibited by article 88 of the Labour Code. Persons who believed that they had been subjected to discrimination at work on grounds of ethnic origin, place of residence or language could apply to the courts for redress. Article 11 of the Labour Code covered compensation in that event. Illegal dismissal from work likewise entailed criminal liability under the Criminal Code. Under article 8 of the Constitution, all citizens were equally entitled to work as civil servants irrespective of ethnic origin or language. Furthermore the Code of Criminal Procedure stated that everyone was equal before the law irrespective of race or language. If that right was infringed, the victim could go to court.

77. Kyrgyzstan was a multi-ethnic State and article 5 of the Constitution accordingly guaranteed the full and free development of all the languages used by the various ethnic groups. That article and other legal texts on the rights of citizens were in line with international instruments on the rights of minorities. All members of all ethnic groups in Kyrgyzstan were entitled freely to choose the language they wished to speak and use in accordance with the Law on Languages. In areas where large numbers of ethnic minorities lived, they could be educated in their own language and use it in dealings with State authorities and in the media. Citizens were entitled to protection against discrimination on the grounds of language. A very important law adopted a few years earlier had made both Kyrgyz and Russian official languages and had enhanced the protection of minority languages.

78. As far as question 23 was concerned, she said that no special law had been enacted on the protection of national minorities. Their rights were covered by provisions of the Constitution, the Civil Code, the Law on Non-Profit-Making Organizations, other laws and legal texts, and international treaties and agreements on that subject which had been ratified by Kyrgyzstan. No one could violate the rights of national minorities with impunity, since effective mechanisms existed to protect them. Kyrgyz law stipulated that minorities had equal rights, including the right to vote and stand for election. Any Kyrgyz citizen over the age of 18 could participate in elections irrespective of race, political or religious beliefs or ownership of property, unless they were deemed by a court to be unfit or had been sentenced for a crime. The only restrictions on the right to stand for election applied to the office of President; candidates must be aged 35 to 65 and be a citizen of Kyrgyzstan, resident in the Republic for at least 15 years and fluent in the Kyrgyz language.

79. Mr. BAKIR UULU (Kyrgyzstan) added, with reference to question 23, that the country had 45 constituencies and no one had been prevented from voting or standing for election in any of them because of their national or ethnic origin. There were 106 members of the Kyrgyz Parliament, one sixth of them representatives of a national minority.

80. Ms. BAEKOVA (Kyrgyzstan), concluding with question 24, repeated that training programmes had been introduced for judges, court officers and members of law enforcement agencies. They were being taught about the provisions of the Covenant and the Optional Protocol. Steps would be taken to include the measures suggested by the Committee in a similar training programme for government officials, teachers and police officers.

The meeting rose at 6 p.m.